

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ACEY REAVIS,)	
Plaintiff,)	Civil Action No. 20-1284
v.)	
PAUL AURANDT, BURKOVICH and)	
LISA DUNCAN,)	
Defendants.)	
)	

OPINION

Introduction

This case was referred to a United States magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D. On May 16, 2022, the magistrate judge filed a Report and Recommendation (“R&R”) (ECF No. 41), recommending that this case be dismissed for failure to prosecute. No objections were filed.

Procedural Background

Plaintiff Acey Reavis (“Reavis”) was released from prison in June 2021 and did not update his address information. He has not participated in this litigation or responded to the court’s attempts to contact him, including by mail to an address provided by defense counsel. *See* Order June 16, 2021.

On February 16, 2022, the court issued an opinion and order adopting R&R #37 and denying Defendants’ motion to dismiss the case for lack of prosecution without prejudice (ECF Nos. 38, 39). Reavis, however, was given a firm and definite deadline of March 28, 2022, to file a Second Amended Complaint.

Reavis did not file an amended complaint by March 28, 2022 (or respond in any way). On April 18, 2022, the magistrate judge issued a rule to show cause why the case should not be dismissed for failure to prosecute. Reavis did not respond.

On May 16, 2022, the magistrate judge issued R&R #41, recommending that the case be dismissed for failure to prosecute (ECF No. 41). Reavis was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, objections to the R&R must be filed within 14 days, and that failure to file timely objections would constitute a waiver of appellate rights. No timely objections were filed.

Legal Analysis

Even if no objections are filed, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; *see also McClain v. Pennsylvania Department of Corrections*, No. 1:19-CV-1951, 2020 WL 1690081, at *1 (M.D. Pa. Apr. 7, 2020); *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the R&R for clear error).

Following an independent review of the record, the court is satisfied that the R&R contains no clear error and will therefore accept the recommendation of the magistrate judge.

It is abundantly clear that Reavis has abandoned this case. He failed to respond to the court’s orders for a significant period of time and failed to comply with the firm deadline to file an amended complaint. The court will adopt the R&R (ECF No. 41) as the opinion of the court, as supplemented herein.

Conclusion

For the reasons set forth in the magistrate judge's R&R (ECF No. 41), which will be adopted as the opinions of this court as supplemented herein, this case will be dismissed with prejudice for failure to prosecute.

An appropriate Order will be entered.

BY THE COURT:

Dated: August 31, 2022

/s/ Joy Flowers Conti
Joy Flowers Conti
Senior United States District Court Judge

CC: (via US Mail)
Acey Reavis
1941 N. 52nd Street
Philadelphia, PA 19131